

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

COMMONWEALTH OF PUERTO RICO,
et al.,

Defendants.

CIVIL NO. 12-2039 (GAG)

**JOINT MOTION SUBMITTING CONSENSUS MONITORING METHODOLOGIES ON
PROFESSIONALIZATION, SEARCHES AND SEIZURES, RECRUITMENT,
AND SUPERVISION**

TO THE HONORABLE COURT:

Plaintiff, the United States of America, and Defendants, the Commonwealth of Puerto Rico and the Puerto Rico Police Bureau (collectively, “the Parties”), with the concurrence of the Acting Monitor and the Special Master, respectfully submit four Consensus Monitoring Methodologies (“Consensus Methodologies”) for the Court’s approval, pursuant to Paragraphs 245 and 248 of the Agreement for the Sustainable Reform of the Puerto Rico Police Department¹ (Agreement). The Consensus Methodologies cover the areas of Professionalization, Searches and Seizures, Recruitment, and Supervision. The Consensus Methodologies enable the Acting Monitor and his team of subject-matter experts to evaluate the Commonwealth’s compliance with each of the covered paragraphs in an independent, objective, and systematic manner as required by the Agreement. The Consensus Methodologies represent a significant step forward in the case as the focus of the Monitor’s Office shifts from capacity building to compliance

¹ All references to the Puerto Rico Police Department (or PRPD) are to the Puerto Rico Police Bureau (PRPB) of the Puerto Rico Department of Public Safety.

monitoring. The Consensus Methodologies are also the product of close collaboration and teamwork between the Parties, the Acting Monitor, and the Special Master.

1. The Agreement requires that the Technical Compliance Advisor (TCA, or Monitor) begin assessing the Commonwealth's compliance with the Agreement following an initial, capacity-building period. Specifically, Paragraph 242 of the Agreement provides:

Four years after the Appointment Date and in accordance with the provisions of the approved Action Plans, the TCA shall begin to regularly conduct compliance reviews to assess PRPD's compliance with each of the Agreement provisions in Sections III through XIII. The TCA shall assess and report whether PRPD has, for each Agreement requirement: (a) incorporated the requirement into an implemented policy; (b) trained all relevant personnel in the requirement and policy; and (c) fully implemented in practice. These compliance reviews shall contain both quantitative elements as necessary for reliability and comprehensiveness.

Agreement ¶ 242, Docket No. 60.² The Agreement further requires the Monitor to submit a proposed methodology to the Parties for review prior to the initiation of any compliance assessment. *Id.* ¶ 248.

2. The Court approved three Consensus Methodologies on use of force, policies, and training on June 13 and July 2, 2019. Orders, Docket Nos. 1256, 1274. The Court also approved an updated timetable to complete the methodologies for the nine remaining areas of the Agreement. Order, Docket No. 1318 (Aug. 9, 2019).

3. In compliance with the updated timetable, the Parties hereby submit the Consensus Methodologies on Professionalization, Searches and Seizures, Recruitment, and Supervision, attached hereto as Appendices A, B, C, and D. The Consensus Methodologies are

² The Commonwealth may achieve full and effective compliance with the Agreement by implementing the requirements of the Agreement, as set forth in Paragraph 242, or by demonstrating sustained and continuing improvement in constitutional policing based on outcome measures. *See* Agreement ¶ 294.

the product of extensive cooperation and input from the Parties, the Special Master, and the Acting Monitor and his team of subject-matter experts. The Parties, the Acting Monitor, and the Special Master will review the Consensus Methodologies on an ongoing basis, as needed, to consider whether modifications are necessary as additional data management systems are implemented and additional data sources become available, and based on the Acting Monitor's and the Parties' experience implementing the Consensus Methodologies.

WHEREFORE, the Parties respectfully request that the Court approve the Consensus Methodologies on Professionalization, Searches and Seizures, Recruitment, and Supervision to enable the Acting Monitor and his team of subject-matter experts to commence compliance monitoring of the corresponding provisions, as required by Paragraph 242 of the Agreement.

WE HEREBY CERTIFY that today we have electronically filed the foregoing document with the Clerk of the Court for the District of Puerto Rico using the CM/ECF system, which will send a copy and notification of filing to the Acting Monitor, the Special Master, and all counsel of record.

RESPECTFULLY SUBMITTED this 30th day of August, 2019,

For Plaintiff UNITED STATES OF
AMERICA:

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